

REMARKS

By this amendment, claims 1-36 are pending, in which no claims are canceled, withdrawn, amended or newly presented. No new matter has been introduced.

The Office Action mailed March 22, 2007 rejected claims 9 and 25 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter, claims 1-7, 10-16, 18, 20-24, and 27-36 under 35 U.S.C. § 102(e) as anticipated by *Dutta et al.* (US 7,000,189), claims 8, 17, 24, and 31 as obvious under 35 U.S.C. § 103 based on *Dutta et al.* (US 7,000,189) in view of *Chatterjee et al.* (US 6,947,440).

REJECTION UNDER 35 U.S.C. § 101

Applicants traverse the rejection of claims 9 and 25 as being directed to nonstatutory subject matter.

Claims 9 and 25 are directed to a computer-readable medium comprising instructions which, when executed by a processor, performs the methods recited in the independent claim from which claims 9 and 25 respectively depend. There is nothing nonstatutory about such a computer-readable medium. The computer-readable medium is not being claimed in the abstract but, rather, as an article of manufacture, for example, which, when used in conjunction with another apparatus, e.g., a processor, causes a statutory process to be performed.

The Examiner appears to have a problem with the disclosure of the computer-readable medium referring to this computer-readable medium as comprising, *inter alia*, "electromagnetic waves." The Examiner refers to paragraph [0150] of the specification but quotes language that appears in paragraph [147].

The Examiner concludes that "[f]or the claimed invention to be statutory [sic, statutory]. "transmission media" cannot be "electromagnetic waves". "

To the extent that the "computer-readable medium" may refer to both statutory (e.g., floppy disk, magnetic tape, etc) and allegedly nonstatutory subject matter in the form of electromagnetic waves, with both types of subject matter being disclosed, it is only fair and reasonable to interpret the claims as being directed to the disclosed statutory subject matter.

In any event, Applicants stress that, to the extent the Examiner reads the claimed “medium” as being an electromagnetic wave, neither claim 9 nor claim 25 is directed to an “electromagnetic wave,” *per se*. Rather, the claims are directed to a computer-readable medium bearing instructions, wherein a processor(s) executes those instructions to cause the performance of a specific method (the steps being set forth in claims 1 and 19) for retrieving content over a communications network from a web server. Thus, whatever “computer-readable medium” may broadly refer to, it must be capable of bearing instructions executable by a processor(s) to cause the performance of the very specific steps set forth in claims 1 and 19 and, as such, is clearly directed to statutory subject matter within the meaning of 35 U.S.C. § 101, whether one wishes to classify such a computer-readable medium as a machine, an article of manufacture, or a composition of matter.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 9 and 25 under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. §102(e)

At the outset, Applicants point out that the Examiner has not specifically rejected independent claims 19 and 26 on any grounds, but has seen fit to reject claims (20-24 and 27-31) dependent thereon in view of prior art under 35 U.S.C. §102(e). Accordingly, Applicants presume that the Examiner intended to also reject independent claims 19 and 26 under 35 U.S.C. §102(e), especially since these claims are mentioned, but not in the statement of rejection, at pages 4 and 5 of the Office Action of March 22, 2007.

Each of the independent claims recites, *inter alia*, in one form or another, the modification of a browser request to include “information specifying support of a **parse and pre-fetch service...**” and/or wherein the upstream proxy, if present, “intercepts the modified request and **pre-fetches** the content from the web server.”

Applicants do not necessarily dispute that *Dutta et al.* teaches a modification of the request from a browser application for the content in a web server, since *Dutta et al.* recites, at col. 5, line 65 – col. 6, line 1, that “[u]pon detecting a request from a talking browser, the web server may then **modify** the content of the response to exclude content not suitable for presentation to a talking browser” (emphasis added); nor do Applicants necessarily dispute that *Dutta et al.* teaches the forwarding of the modified request towards the web server by a proxy server, since *Dutta et al.* recites, at col. 9, lines 20-24, that

"requests for content initiated by browser 186 are received by the proxy server 182. Proxy server 182 then forwards the request to web servers 184. The appropriate web server 184 then returns the requested content to proxy server 182, where it is ultimately forwarded to talking browser 186." But, Applicants strongly dispute that *Dutta et al.* discloses anything relative to the modification of a browser request to include "information specifying support of a **parse and pre-fetch service**..." and/or wherein the upstream proxy, if present, "intercepts the modified request and **pre-fetches** the content from the web server." There is nothing disclosed in *Dutta et al.* about **pre-fetching** any information. *Dutta et al.* is not concerned with pre-fetching. Instead, *Dutta et al.* uses the proxy server merely as an intermediary between the browser and the web server for handling the determination of whether to deliver the requested content to the browser or whether to preserve the content for later viewing when the user is at a more convenient browser (col. 2, lines 9-13). The proxy server of *Dutta et al.* does not pre-fetch anything, and there is no disclosure in *Dutta et al.* to suggest the modification of a browser request to include "information specifying support of a **parse and pre-fetch service**," as claimed.

Since each and every claim limitation is not taught by *Dutta et al.*, there can be no anticipation of the instant claimed subject matter.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-7, 10-16, 18, 20-24, 27-36, and, ostensibly, of claims 19 and 26, under 35 U.S.C. § 102(e).

REJECTION UNDER 35 U.S.C. §103

Since *Chatterjee et al.* does not provide for the deficiencies of *Dutta et al.*, as explained *supra*, no *prima facie* case of obviousness with regard to claims 8, 17, 24, and 31 has been established in accordance with 35 U.S.C. § 103.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 8, 17, 24, and 31 under 35 U.S.C. § 103.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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